

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

3 EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

4 CANDACE KELLY (CSBN 191473)
Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
7 Telephone: (415) 436-6962
7 FAX: (415) 436-7234

8 || Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 05-00589-JF
14 Plaintiff,)
15 v.)
16 ALEXANDER DZHUGA,) STIPULATION AND [PROPOSED]
17 a/k/a Aleksandr Dhuga,) ORDER TO EXCLUDE TIME UNDER
18 a/k/a Aleksandr Dzhuga,) THE SPEEDY TRIAL ACT FROM
19 LEONID DZHUGA,) NOVEMBER 2, 2005 TO FEBRUARY 8,
VLADIMIR A. SEMENOV,) 2006
20 NATALIA IGOREVNA STADNIK,)
a/k/a Natalia Stadnik Dzhuga, and)
ARMOND TENNYSON TOLLETTE II,)
a/k/a Armond T. Tollette, Jr.,)
Defendants.)

STIPULATION

25 1. On November 2, 2005, the parties in the above-captioned case appeared before the Court
26 for their first appearance in federal district court. At the hearing, Alexander Dzhuga was
27 represented by Mark Werksman, Leonid Dzuga was represented by Dmitry Gurovich, Vladimir

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1 Semenov was not represented, but indicated that he was attempting to hire an attorney, Natalia
2 Stadnik was represented by Elon Berk, and Armond Tollette was not represented. Mr. Tollette
3 indicated that he had retained an attorney, Kurt Robinson, but that Mr. Robinson had a conflict
4 that prevented him from appearing at the hearing.

5 2. The government raised its concerns of a potential conflict based on the fact that Mr. Berk
6 and Mr. Gurovich are each representing a defendant in this case despite being employed by the
7 same law firm.

8 3. The government also informed the Court that discovery had not yet been produced, but it
9 an initial production would be available within approximately one week to any defendants who
10 requested it in writing. The initial production will consist of over 10,000 pages of documents.

11 4. The parties requested a continuance until February 8, 2006 at 9:00 in order to allow the
12 defendants to finalize their representation and to allow the defendants to request and review the
13 voluminous discovery in the case in order to adequately prepare for trial.

14 5. All present stipulated and agreed that time should be excluded from November 2, 2005
15 through and including February 8, 2006 from the Speedy Trial Act under 18 U.S.C. §§
16 3161(h)(8)(A) and (B)(iv) in order to allow the defendants to obtain counsel as well as a
17 reasonable amount of time for the defense to effectively prepare for trial, taking into account the
18 exercise of due diligence.

19 SO STIPULATED.

20 DATED: 11/14/05

21 /s/
22 MARK J. WERKSMAN
Attorney for Defendant A. Dzhuga

23 DATED: 11/22/05

24 /s/
25 DMITRY Y. GUROVICH
Attorney for Defendant L. Dzhuga

26 DATED:

27 VLADIMIR SEMENOV
Defendant

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1 DATED: 11/20/05

/s/
ELON BERK
Attorney for Defendant Stadnik

2 DATED: 11/22/05

/s/
KURT ROBINSON
Attorney for Defendant Tollette

3 DATED: 12/9/05

/s/
CANDACE KELLY
Assistant United States Attorney

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5 ORDER

6 The Court finds that there is good cause for the extension of time described above, and
7 that the ends of justice served by granting this continuance outweigh the best interests of the
8 public and of the defendants in a speedy trial and the prompt disposition of criminal cases. 18
9 U.S.C. § 3161(h)(8)(A). The Court further finds that failure to grant the continuance would deny
10 the defendants reasonable time to obtain counsel and would deny defense counsel the reasonable
11 time necessary for effective preparation taking into account the exercise of due diligence and
12 continuity of counsel under 18 U.S.C. § 3161(h)(8)(B)(iv).

13 Accordingly, and with the consent of the defendant, the Court continues the matter to
14 February 8, 2006 at 9:00 a.m. for a status hearing and orders that the period from November 2,
15 2005 through and including February 8, 2006 be excluded from the Speedy Trial Act calculations
16 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

17 IT IS SO ORDERED.

18 Nunc pro tunc to 11/2/05

19 DATED: 12/16/05 /S/ELECTRONIC SIGNATURE AUTHORIZED
20 JEREMY FOGEL
21 UNITED STATES MAGISTRATE JUDGE

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